DOCUMENT RESUME

ED 044 106 JC 700 250

AUTHOR Palinchak, Robert S.
TITLE A Comparative Analysis of the General Laws and Statutes Affecting Community Colleges in Massachusetts, Michigan, and Missouri.
PUB DATE 70
NOTE 10p.; Seminar paper

EDRS PRICE EDRS Price MF-$0.25 HC-$0.60
DESCRIPTORS *Comparative Analysis, *Junior Colleges, *State Boards of Education, State Laws, *State Legislation

ABSTRACT

A brief description of the basis for collegiate authority in the states of Massachusetts, Michigan, and Missouri is presented, after which a comparative analysis is made in areas such as level of college control, level of curriculum, degree authority, and admission policies. The analysis was based on three official publications ccncerning educational laws--one from each of the states included in the study. (Author/RC)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

ED044106

A COMPARATIVE ANALYSIS OF THE GENERAL LAWS AND STATUTES AFFECTING COMMUNITY COLLEGES IN MASSACHUSETTS, MICHIGAN, AND MISSOURI

Presented to

Seminar on the Two-Year College

Syracuse University

Dr. Louis W. Bender

Robert S. Palinchak

Summer, 1970

UNIVERSITY OF CALIF.
LOS ANGELES

NOV 30 1970

CLEARINGHOUSE FOR
JUNIOR COLLEGE
INFORMATION

JC 700 250

The basis for this comparative analysis was limited to the following publications:

Board of Higher Education, Commonwealth of Massachusetts, General Laws and Procedures Relating to Collegiate Authority, 1969.

Michigan Department of Education, Laws, Statutes, and Constitutional Provisions Affecting the Establishment and Administration of Community Colleges, 1968.

Missouri Commission on Higher Education, A Summary of Missouri Constitution and Laws As Affecting Higher Education for Use of the Commission on Higher Education and Its Staff, 1968.

A brief description of each state's basis for collegiate authority is presented after which a comparative analysis is made in selected areas.

Massachusetts

Legal responsibility for collegiate authority rests, under Massachusetts law, with the Board of Higher Education which was established by legislation in 1965. The former Board of Collegiate Authority was abolished and its powers and duties transferred to the Board of Higher Education.

Proposed junior colleges or institutions desiring to

obtain authority for "junior college degrees" must first incorporate without a junior college name or degree authority since the law states that such institutions must have operated as nonprofit institutions not less than one year prior to filing Articles of Amendment for associate degree authority or a junior college name. Decisions regarding petitions are made by the Board of Higher Education after receiving the recommendation of its Collegiate Authority Committee, composed of members of the Board.

The Board, in considering Articles of Organization, gives a public hearing at the expense of the applicants and forwards its findings and recommendations to the State Secretary. A denied request is accompanied with a written statement of explanation which, in effect, means no approval can be issued. However, the applicants may appeal a negative decision to the Superior Court which has authority to hear the case and make final judgment.

The Board maintains rights of visitation for the purpose of growth and improvement. Also, the Board establishes standards relative to facilities, physical plant, and leadership. In the event that an institution does not comply with standards, the

Board may, after a hearing, suspend or revoke the power to grant degrees.

Junior colleges must offer instruction on a level "above that of the secondary school and below that of advanced senior specialization." They may offer either (a) a two-year course of study on a collegiate level, "equivalent in content, scope, and thoroughness" to that offered in four year institutions, or (b) a two-year terminal course of study of a vocational or semiprofessional training, or both.

The faculty of the institution must consist of "teachers with adequate preparation and successful experience ...", a high percentage having one year of advanced study. In terminal or semiprofessional courses, instructors are to be able to provide "evidence of a high degree of proficiency ..."

The basis for admission to the institution is the satisfactory completion of high school or its equivalent. Requirements for graduation are based on a minimum of sixty semester hours "exclusive of physical training ..." Other conditions require that general education be provided, also an adequate library, laboratories, and adequate physical plant. Classroom hours for teaching are limited to eighteen and class

size is "ordinarily limited to thirty students."

At least five programs are to be offered: English, mathematics, foreign languages, natural sciences, and social science. Finally, if the institution also operates a preparatory or secondary school under the same administration, provision must be made for their separation (including housing quarters for the students).

Institutions may incorporate directly under Chapter 180 of the General Laws without coming under the above-mentioned provisions. Such a procedure, however, does not carry assurance of ultimate degree authority.

Michigan

The State Board of Education exercises leadership and general supervision over all public education (except baccalaureate programs). It serves as the general planning and coordinating body for all public education, including higher education.

The legislature provides by law for the establishment and financial support of public community and junior colleges which are to be controlled by locally elected boards. Also, a state board for community colleges is charged with advising the State Board of Education concerning the supervision, planning,

and budgeting of these colleges. The law provides for the establishment of two-year colleges by K-12 school districts, county districts, school districts, intermediate school districts, and by direct petition. Methods are established for defining territory, elections, canvass of results, and other forms of approval for two-year colleges. Provisions of the law define establishment procedures, rules, referendum methods, district power and duties, and rules and regulations as they apply to local boards of control.

The community college district is a body corporate and is presumed to have been legally organized when it has exercised its franchises and privileges for two years. By legislative definition, a community college means an educational institution providing primarily for persons above the "12th grade age level and primarily for those within commuting distance, collegiate and noncollegiate level education, including area vocational-technical education programs which may result in granting of diplomas and certificates including those now as associate degrees but not including baccalaureate or higher degrees." An area vocational-technical program is designed for persons in preparation for entering the labor market, those already in the labor market, and those in high school.

Other portions of the law define the legal name, borrowing power of boards, board compensation (nil), and fiscal policies. The chief administrator of the district should have "at least an earned bachelor's degree" and a teacher's certificate or have a doctorate. College credit courses include those offered by community colleges not necessarily acceptable for a baccalaureate program, but excludes adult education courses not offered for credit toward a degree or certificate. Finally, enrollment records are to be maintained for fiscal reasons.

Missouri

The law permits any school district (singly or jointly), whether in the same county or not, to permit its voters to initiate junior college districts. The State Board of Education has jurisdiction and establishes standards for organization which include: (1) Whether a junior college district is needed in the proposed district; (2) Whether the district is financially capable of adequate support, and (3) Whether there were a sufficient number of high school graduates to support a junior college.

The State Board of Education defines the role for junior colleges; sets up a survey to determine need and potential for two-year colleges; establishes priorities; requires local initiative for junior colleges; formulates uniform policies as to budgeting, record keeping, and accounting; establishes minimum entrance requirements and uniform curricular offerings; makes a continuing study of junior colleges, and is responsible for college accreditation which may be conducted annually.

Attendance records are required for appointment of school funds. Also, any accredited high school is permitted to provide two-year college courses in the schools under the old junior college law.

Reaction

It is difficult to make a finite distinction among the community colleges in Massachusetts, Michigan, and Missouri. However, a broad classification might include Massachusetts as an example of a state which operates community colleges under direct control of a state board; Michigan as an example of a state in which there exists locally controlled institutions with a great amount of state coordination; and Missouri as an

example of a state in which the community junior colleges maintain a great amount of local control, but in which there is evidence of an increasing amount of state coordination.

On the basis of enabling legislation in each state, there exist more similarities than differences. Each defines the parameters of its institution in a very definitive manner. Sections of the laws that deal with boards of control, finance, organization, and similar procedural accounts are well codified. However, the specific roles of such state advisory agencies as the Board of Regional Community Colleges in Massachusetts, and Michigan's State Board for Public Community Colleges, are nebulous and, indeed, completely overlooked within the references used for comparison.

Apparently, the Massachusetts system, which has developed with the assistance of Don Deyo, is firmly committed to a state-controlled system for various reasons. For one, the issue of local control was never really raised whereas the fact that Massachusetts already had the nation's highest property tax contributed to the formation of a "state" plan back in 1958.

Advantages of a state-controlled system supposedly

include little worry about political boundaries, eased relationships between two-year and four-year colleges, effective use of funds and resources, less conflict between governing boards and school districts, administrative and faculty recruitment, less duplication of services, and less legislation for control. My personal reaction is to question the validity of such assumptions in the light of current trends which represent a decrease in the number of new state-controlled institutions. Studies have shown that growth is enhanced in those institutions that have strong local control and supervision. The very idea of "community" college is somewhat antithetical to state-control.

Missouri's junior colleges are proving to be inadequately cared for under the State Department of Education. Consequently, several recommendations have sought the transfer of responsibilities to a separate junior college board.

While each state has its own particular idiosyncracies, mores, and customs, it seems that intermediate levels of coordination at the state level are now recommended regardless of whether a state favors local control or state control for its community colleges.